

**DISTRICT OF COLUMBIA
DOH OFFICE OF ADJUDICATION AND HEARINGS**

DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
Petitioner,

v.

PATRICIA YUEN LIFE INSURANCE
Respondent

Case No.: I-00-20203

FINAL ORDER

I. Introduction

This case arises under the Civil Infractions Act of 1985 (D.C. Official Code §§ 2-1801.01 *et seq.*) and Title 21 Chapter 7 of the District of Columbia Municipal Regulations (“DCMR”). By Notice of Infraction (00-20203) served February 8, 2002, the Government charged Respondent Patricia Yuen Life Insurance with a violation of 21 DCMR 700.3 for allegedly failing to properly store and containerize solid wastes.¹ The Notice of Infraction alleged that the violation occurred on February 6, 2002 at 1400 W Street, N.W., and sought a fine of \$1,000.

On March 15, 2002, Respondent filed a plea of Admit with Explanation pursuant to D.C. Official Code § 2-1802.02(a)(2). Respondent did not include an explanation with its plea, however. By order of this administrative court dated April 26, 2002, Respondent was permitted

¹ 21 DCMR 700.3 provides: “All solid wastes shall be stored and containerized for collection in a manner that will not provide food, harborage, or breeding places for insects or rodents, or create a nuisance or fire hazard.”

to file an explanation for its admitted violation within seven (7) calendar days of the order's April 29, 2002 service date. No response has been received from Respondent.

II. Findings of Fact

1. By its plea of Admit with Explanation, Respondent has admitted violating 21 DCMR 700.3 on February 6, 2002 at 1400 W Street, N.W.
2. On February 6, 2002, Respondent failed to properly store and containerize solid wastes at 1400 W Street, N.W.
3. By order of this administrative court dated April 26, 2002, Respondent was permitted to file an explanation for its admitted violation within seven (7) calendar days of the order's April 29, 2002 service date. No response has been received from Respondent.

III. Conclusions of Law

Respondent violated 21 DCMR 700.3 on February 6, 2002. A fine of \$1,000 is authorized for a first violation of this regulation which, there being no mitigating evidence in the record, will be imposed without reduction.² 16 DCMR §§ 3201.1(a)(1) and 3216.1(b).

² The Rodent Control Act of 2000 is Title IX of the Fiscal Year 2001 Budget Support Act of 2000, effective October 19, 2000, D.C. Law 13-172. *See* 47 D.C. Reg. 8692 (November 10, 2000); 47 D.C. Reg. 6308 (August 11, 2000). Section 910(b) of that Act established new fines for violations of various rodent control measures, including § 700.3. 47 D.C. Reg. at 6339 (August 11, 2000).

IV. Order

Based upon the foregoing findings of fact and conclusions of law, and the entire record of this case, it is, hereby, this ____ day of _____, 2002:

ORDERED, that Respondent shall pay a fine in the amount of **ONE THOUSAND DOLLARS (\$1,000)** in accordance with the attached instructions within twenty (20) calendar days of the date of mailing of this Order (fifteen (15) calendar days plus five (5) days for service by mail pursuant to D.C. Official Code §§ 2-1802.04 and 2-1802.05); and it is further

ORDERED, that, if Respondent fails to pay the above amount in full within twenty (20) calendar days of the date of mailing of this Order, by law, interest must accrue on the unpaid amount at the rate of 1 ½% per month or portion thereof, beginning with the date of this Order, pursuant to D.C. Official Code § 2-1802.03(i)(1); and it is further

ORDERED, that failure to comply with the attached payment instructions and to remit a payment within the time specified will authorize the imposition of additional sanctions, including the suspension of Respondent's licenses or permits pursuant to D.C. Official Code § 2-1802.03(f), the placement of a lien on real or personal property owned by Respondent pursuant to D.C. Official Code § 2-1802.03(i) and the sealing of Respondent's business premises or work sites pursuant to D.C. Official Code § 2-1801.03(b)(7).

/s/ **05/15/02**

Mark D. Poindexter
Administrative Judge